

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                 |                               |                         |               |
|-----------------|-------------------------------|-------------------------|---------------|
| Application of: | Mark L. Witten                | Confirmation No.:       | 2163          |
| Serial No.:     | 10/553,232                    | Art Unit:               | 1654          |
| Filed:          | October 3, 2006               | Examiner:               | Lukton, David |
| For:            | ACUTE RESPIRATORY<br>SYNDROME | Attorney Docket<br>No.: | 12241-021-999 |

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The enclosed is in response to the Restriction Requirement mailed December 19, 2008, in connection with the above identified patent application.

In response to the Requirement for Restriction, Applicant hereby elects without traverse to pursue the claims of Group I, relating to a method of treating a patient who is afflicted with ARDS or SARS.

In response to the further requirement for Election of Species, Applicant elects the species:


- a) Sar<sup>9</sup>, Met (O<sub>2</sub>)-11 Substance P;
- b) that is administered by aerosol;
- c) to mitigate pulmonary alveolar macrophage number; and
- d) for treatment of severe acute respiratory syndrome (SARS).

Applicant believes claims 1, 2, 4, and 6 read on the elected species.

No fee is believed due in connection with this response. However, should the Commissioner determine otherwise, he is hereby authorized to charge any required fee(s) to Jones Day Deposit Account No. 50-3013 (reference no.: 876946-999021).

Respectfully submitted,

Date: January 20, 2009

  
\_\_\_\_\_  
Rahul Pathak 42,983  
For: Anthony M. Insogna (Reg. No. 35,203) (Reg. No.)  
JONES DAY  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939